

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WAYNE ABRAHAMSON,  
BERGMAN BROTHERS, and  
WAYNE CARLSON,

Plaintiffs,

vs.

FIRST NATIONAL BANK OF  
HOLDREGE, KENNETH  
SLOMINSKY, ERIC TITUS,  
RONALD STERR, TIM WIEBE,  
JEANETTE HARDEN, KIRK  
RILEY, MARK UTTER, and  
DOUGLAS SCOTT LATTE,

Defendants.

**4:05CV3039**

**MEMORANDUM  
AND ORDER**

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PHILLIP M, KELLY, as Trustee of  
the bankruptcy estate of DENNIS R.  
DAMROW, together with  
SHERRY DAMROW, as their  
interests may be established,

Plaintiffs,

vs.

FIRST NATIONAL BANK OF  
HOLDREGE, KENNETH  
SLOMINSKY, ERIC TITUS,  
RONALD STERR, TIM WIEBE,  
JEANETTE HARDEN, KIRK  
RILEY, MARK UTTER, and  
DOUGLAS SCOTT LATTE,

Defendants.

**4:05CV3040**

**MEMORANDUM  
AND ORDER**



DAMROW and DAMROW, a  
General Partnership,

Plaintiff,

VS.

FIRST NATIONAL BANK OF  
HOLDREGE, KENNETH  
SLOMINSKY, ERIC TITUS,  
RONALD STERR, TIM WIEBE,  
JEANETTE HARDEN, KIRK  
RILEY, MARK UTTER, and  
DOUGLAS SCOTT LATTEr,

Defendants.

DAMROW FARMS, a  
General Partnership,

Plaintiff,

VS.

FIRST NATIONAL BANK OF  
HOLDREGE, KENNETH  
SLOMINSKY, ERIC TITUS,  
RONALD STERR, TIM WIEBE,  
JEANETTE HARDEN, KIRK  
RILEY, MARK UTTER, and  
DOUGLAS SCOTT LATTER,

Defendants.

**4:05CV3043**

# MEMORANDUM AND ORDER

**4:05CV3044**

# MEMORANDUM AND ORDER

In the opinions I issued in these cases last Friday, I mistakenly stated that I was dismissing the “unjust enrichment” claims for failure to comply with Rule 41(b) as well as for failure to state a claim under Rule 12(b)(6). (*See* pages four and twenty-two of the opinions.) That was erroneous. I dismissed the “unjust enrichment” claims solely because they failed to state a claim under Rule 12(b)(6). (*See* pages 4, 13, 14 and 22 of the opinions.) I apologize for this error and the resulting confusion. Therefore,

IT IS ORDERED that the opinions (filing 44 in 4:05CV3039; filing 46 in 4:05CV3040; filing 41 in 4:05CV3041; filing 40 in 4:05CV3042; filing 43 in 4:05CV3043; and filing 45 in 4:05CV3044) in these cases are amended to make clear that the “unjust enrichment” claims are dismissed solely for failure to state a claim under Rule 12 (b)(6). The Clerk is directed to modify the docket entry for each of the opinions accordingly. Amended judgments will not be filed.<sup>1</sup>

February 6, 2006.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge

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<sup>1</sup>The judgments filed in this case do not states the specific reasons for their entry and thus no amendment need be made to them.